UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

IN RE:	)	
	)	
JAMES R. PERRY, JR. and	)	
LAURIE A. PERRY,	)	**CASE NO. 16-11493**
	)	**Chapter 13**
Debtors		

	)	
JAN M. SENSENICH, CHAPTER 13	)	
TRUSTEE OF THE ESTATE OF JAMES	)	
PERRY AND JAMES R. PERRY, JR.,	)	
Plaintiffs	)	**Ap No. _____**
v.	)	
	)	
AVANT, LLC,	)	
Defendant	)	

Complaint to Avoid Preferential Transfer

Plaintiffs, Jan M. Sensenich, Chapter 13 Trustee and James R. Perry, Jr., Debtor in the above bankruptcy case (the "Trustee" or "Plaintiff"), as and for their complaint to avoid preferential transfers made to Avant, LLC to or for its benefit. Plaintiffs respectfully allege as follows:

Jurisdiction and Venue

1. The Debtor filed its voluntary petition (the "Petition") for relief under the provisions of Chapter 13 of Title 11 of the United Stated Code (the "Bankruptcy Code") on November 18, 2016 (the "Commencement Date").

2. Plaintiff, Jan M. Sensenich was appointed Chapter 13 Trustee and is accordingly authorized to prosecute avoidance actions for the bankruptcy estate.

3. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § § 1331 and 1334(b) and (e).

4. This proceeding is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (F) and (O).

5. Venue in this district is proper pursuant to 28 U.S.C. § 1409(a) because this is the district where the Debtor's Chapter 13 case is pending.

6. This proceeding has been brought in accordance with Fed. R. Bankr. P.7001.

Parties

7. Plaintiff is the Trustee, pursuant to 11 U.S.C. §1302, for the above Estate.

8. Upon information and belief, Avant, LLC is a corporation with a principal place of business in Chicago, Illinois.

Cause of Action

9. In August 2015, Avant, Inc. made an unsecured loan to Debtor, James R. Perry, Jr.

10. On August 23, 2016, Defendant received a payment in the amount of $21,111,61 from funds withdrawn from James R. Perry, Jr.'s account;

11. The payment of the funds was a transfer of an interest of the debtor in property, to or for the benefit of a creditor, namely the Defendant;

12. The payment of the funds was for or on account of an antecedent debt owed by the debtor before such payment was made;

13. The transfer was made while the debtor was insolvent;

14. The payment of the funds was within ninety days of the filing of the Chapter 13 petition and constituted a transfer that allowed Defendant to receive more than it would have received if the transfer had not been made and the Defendant received payment of such debt to the extent

provided by the provisions of Title 11 of the Bankruptcy Code in a case under Chapter 7.

15. The payment of the funds is a preferential transfer which may avoided under 11 U.S.C. Section 547.

WHEREFORE, Plaintiffs pray this Honorable Court enter an Order Avoiding the Transfer and requiring Defendant to pay to Trustee the sum of $21,111,61 and for such other and further relief as this court deems just and meet.

DATED at Norwich, Vermont on this 26th day of May, 2017.

BANKRUPTCY ESTATE OF
JAMES R. PERRY, JR.

By:/s/ Jan M. Sensenich
Chapter 13 Trustee
Plaintiff, Pro Se
P.O. Box 1326
Norwich, Vermont 05055

JAMES R. PERRY, JR.

COHEN & RICE

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